

In re Application of: Oren GLOBERMAN
Serial No.: 10/517,938
Filed: August 9, 2005
Office Action Mailing Date: April 21, 2010

Examiner: Kevin Thao TRUONG
Group Art Unit: 3734
Attorney Docket: 38309
Confirmation No.: 3765

REMARKS

Reconsideration of the above-identified Application in view of the foregoing amendments and the following remarks is respectfully requested.

Request for Continued Examination:

An RCE is being filed herewith.

Claim Status

Claims 1-9, 13-20, 22, 38 and 77-82 are presently pending in this Application. Claims 10, 11, 12, 21, and 74-76 are cancelled hereby. Claims 39-73 were previously canceled. Claims 2-9, 14-17, 20, 23-38 have been withdrawn from consideration as non-elected.

New claims 77-81, are directly or indirectly dependent on claim 1, and readable on the elected species. New claim 82 is independent. This claim is directed to a method of folding a balloon to form a channel, and is also generic, and readable on the elected species.

Support for new claim 82 is found in the specification, for example, beginning at page 32, second paragraph.

Claims 1, 13, 18, 19, 22 and 77-82 are accordingly presented for further examination.

Claims 1, 18, 19, and 22 have been amended. The amendments to claim 1 are intended to better highlight some differences relative to Gaudoin et al. U.S. patent 6,428,568 (Gaudoin) cited by the Examiner. Claims 18 and 19 have been amended to improve their form, and claim 22 has been amended to change its dependency in view of cancellation of claim 21, on which it previously depended. No new matter has been introduced by these amendments.

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Regarding Applicant's Response to the Requirement for Restriction

It is noted with great concern that the Examiner completely neglected to address applicant's arguments constituting a partial traverse of the election requirement. In those arguments, several errors in the requirement were distinctly and specifically pointed out. For the Examiner's convenience, these arguments are repeated below.

In particular, it was specifically stated that the elected species 18 (illustrated in Figs. 11A-12B) is an embodiment in which a balloon is folded or formed so as to define a channel for a guide-wire. It was also specifically stated that "[T]his is generally true also of Figs 8A-8D (species 14-16) and also for Fig. 5A (species 12)".

Further, currently pending claims 1, 18 and 19 were identified as generic, claims 14 and 22. were identified as species claims that read directly on the species 18, and it was noted that "[a]dditional claims which also relate to having a guide-wire channel defined by a balloon are claims 15 and 16, which read on Fig. 5A (species 12) and claim 20 (reads on Fig. 8B)".

It is respectfully repeated that the foregoing clearly points out distinctly and specifically the errors in the restriction requirement, and that the response should not have been treated as without traverse. The Examiner is respectfully requested to reconsider applicant's response in light of the foregoing, (and also in light of the fact that the generic claims are allowable for the reasons stated below).

35 U.S.C. §102 Rejection:

As to those claims now pending, claims 1, 13, 18, 19, and 22 stand rejected under 35 U.S.C. §102(e) as anticipated by Gaudoin, identified above. Applicant respectfully traverses and requests reconsideration of this rejection.

Independent claim 1, from which all the other rejected claims depend, recites the following:

A balloon catheter, comprising:

an elongate body adapted for insertion into a blood vessel;

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a balloon attached to a distal end of said body; said balloon including a longitudinal fold on its outer surface ;

a guide-channel adapted to carry at least a guide-wire located within said fold outside said balloon body; and

an entry port into said guide-channel for said guide wire,

wherein said balloon includes an exit for said guide wire from said guide-channel in said fold.

In contrast, the folds in Gaudoin's device do not define a guide channel for a guide wire, but only several canted wings 25, as illustrated and described. Rather, guide wire 24 is disposed in a guide channel lumen 20 *inside, the balloon, not within the folds.*

For the foregoing reason, it is respectfully submitted that claim 1 is not anticipated by Gaudoin, and that the rejection should be withdrawn.

Claims 13, 18, 19, 22, and 77-81 are dependent on claim 1, as noted above, and are therefore patentable over Gaudoin for the same reasons as claim 1. In addition, these claims recite features which, in combination with the features recited in claim 1 are not anticipated by anything disclosed, taught or suggested in Gaudoin.

For example, claim 13 recites that "said balloon includes a stiffening which defines said guide-channel". Claim 79 calls for "a second guide-channel adapted to carry a second guide wire". Claim 80 recites that "said second guide-channel includes an aperture as a distal exit for said second guide wire". These features are not found in Gaudoin, in which a single guide channel is shown inside lumen 20.

As noted above, new claim 82 is directed to a method of folding a balloon to form a channel. The claim recites:

(a) providing a balloon catheter having a balloon folded over said catheter;

(b) providing an elongate element between said folds on an outer surface of said balloon, along at least a part of an axial section of said balloon;

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- (c) providing said elongate element with a bend; and
- (d) manipulating said elongate element such that said bend moves in a proximal direction and travels along a contact area between said folds;
- (e) refolding any part of said balloon unfolded by moving said bend.

From the discussion above, it should be apparent that nothing like (b)-(e) is disclosed, taught or suggested in Gaudoin, which is concerned only with applying pressure to the balloon to form canted wings 25. There is no channel between Gaudoin's folds. Claim 82 should therefore also be allowed.

Further, because allowable claims 1, 18 and 19 are generic, the withdrawn non-elected claims should also be allowed.

A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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Enclosure:

- Request for Continued Examination (RCE)